

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 10, 2002
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 9:58 a.m. Mayor Murphy recessed the meeting at 10:54 a.m. to convene the Housing Authority. Mayor Murphy reconvened the regular meeting at 10:57 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 10:59 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:00 a.m. with all Council Members present. The meeting was recessed by Mayor Murphy for the purpose of a break at 11:12 a.m. Mayor Murphy reconvened the meeting at 11:17 a.m. with all Council Members present. Mayor Murphy reconvened the Redevelopment Agency to meet simultaneously with the City Council at 11:20 a.m. Mayor Murphy recessed the meeting at 11:57 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened simultaneously with the Redevelopment Agency by Mayor Murphy at 2:00 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:37 p.m. for the purpose of a break and thereafter reconvened the Redevelopment Agency. Mayor Murphy reconvened the meeting at 3:48 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 6:16 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:30 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 8:21 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Lane (gs/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Lane called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on individuals living on fixed incomes and the steady increases occurring for renters in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:59 a.m. - 10:00 a.m.)

PUBLIC COMMENT-2:

Al Strohlein commented on the use of the word “mitigate” by municipal governments and planning departments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:01 a.m. - 10:03 a.m.)

PUBLIC COMMENT-3: **REFERRED TO THE CITY MANAGER**

Noel Neudeck requested to install a telephone jack in the Santa Fe Room in the Balboa Park Club to be able to attend meetings by audio teleconference.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:04 a.m. - 10:05 a.m.)

PUBLIC COMMENT-4:

Al Best commented on the helpful effects of medical marijuana to patients in need.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:06 a.m. - 10:07 a.m.)

PUBLIC COMMENT-5: **REFERRED TO THE CITY MANAGER**

Deann Shier commented on negotiations for hangar and services for helicopters and airplanes located in Lot 3 at Montgomery Field.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:08 a.m. - 10:11 a.m.)

PUBLIC COMMENT-6:

Libba Jackson-D'Ambrosi commented on the neighborhood safety issues surrounding the proposed law enforcement guidelines for patients using marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:12 a.m. - 10:14 a.m.)

PUBLIC COMMENT-7:

Bruce Henderson welcomed the new Council Members and commented on the importance of street sweeping for the environment in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. - 10:16 a.m.)

PUBLIC COMMENT-8:

Kathleen Blavatt commented on the misleading information given for the lawsuit of the 30-foot height limit and long lease terms at the Naval Training Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. - 10:19 a.m.)

PUBLIC COMMENT-9:

Diane Grace commented on the messages being sent to our youth regarding the addictions of smoking tobacco and marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. - 10:22 a.m.)

PUBLIC COMMENT-10:

Jarvis Ross commented on several issues that should be implemented on the City's holiday list for the new year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. - 10:25 a.m.)

PUBLIC COMMENT-11:

David Dahlquist commented on the frustration for the homeless and housing problems in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. - 10:27 a.m.)

PUBLIC COMMENT-12:

Ron Boshun commented on Council's behavior and the rules of conduct on issues such as public comment and the ballpark.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. - 10:29 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins wished to acknowledge two City employees. Ms. Atkins commended Jack Fishkin and Gloria Fishkin for all their great years of service to the City of San Diego and hoped they both have a wonderful retirement.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:29 a.m. - 10:32 a.m.)

COUNCIL COMMENT-2:

Council Member Peters thanked all the volunteers who participated in the Annual Christmas Parade and commented on the success of the event.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:33 a.m. - 10:34 a.m.)

COUNCIL COMMENT-3:

Council Member Frye wished to thank Stan Fye for his contribution in the dedication of 116 acres of open space on yesterday's agenda. Ms. Frye wanted his family to know how much his role was appreciated in that action. Council Member Frye also wanted to acknowledge the public for their participation in voicing their concerns on issues in their communities.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

CITY MANAGER COMMENT:

None

CITY ATTORNEY COMMENT:

City Attorney Gwinn thanked the Mayor and Council Members for their vision and support to the Family Justice Center in San Diego. The San Diego Family Justice Center opened on April 10. Mr. Gwinn commented on the stunning numbers of victims of family violence seeking help and information at the Center. Mr. Gwinn reminded the public that there is a hotline available for victims in danger.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:40 a.m.)

ITEM-60: Two actions related to Lewis Middle School - Joint Use and Developer Agreements.

(Allied Gardens Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the Ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2003-94) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 7, 2003

Introduction of an Ordinance authorizing the City Manager to execute an Agreement for the Construction, Operation, Maintenance, and lease of Turfed Fields and Recreational Facilities at Lewis Middle School (Joint Use Agreement) with the San Diego Unified School District of San Diego County, for the construction, operation, maintenance, and lease of turfed multi-purpose fields and recreational facilities at Lewis Middle School, including the development of a turfed field in 1.8 acres of the joint use area.

Subitem-B: (R-2003-766) ADOPTED AS RESOLUTION R-297499

Authorizing the City Manager to execute an Agreement for the Construction, Operation, Maintenance, and Lease of Turfed Fields and Recreational Facilities at Lewis Middle School (Joint Use Agreement) with the San Diego Unified School District of San Diego County, California, for the construction, operation, maintenance, and lease of turfed multi-purpose fields and recreational facilities at Lewis Middle School, including the development of a turfed field on 1.8 acres of the joint use area;

Authorizing the City Manager to execute an Agreement for Partial Assignment of Agreement for the Construction, Operation, Maintenance, and Lease of Turfed Fields and Recreational Facilities at Lewis Middle School with the Shera Crockett, Inc., dba The Pacific Group, for the development of a turfed field on 1.8 acres of the joint use area, for an estimated cost of \$400,000 in-kind contribution for CIP-29-597.0, Lewis Middle School - Joint Use Area Improvements;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Projects Budget by increasing CIP-29-597.0, Lewis Middle School - Joint Use Area Improvements, in the amount of \$59,000 from Infrastructure Improvement Fund - Allied Gardens Community Park Fund (No. 10529); and \$3,000 from Park and Recreation Matching Funds (No. 10365);

Authorizing the City Auditor and Comptroller to appropriate and expend, in addition to the \$150,000 amount previously authorized, \$62,000, for a total amount not to exceed \$212,000 from CIP-29-597.0, Lewis Middle School - Joint Use Area Improvements, for the purpose of developing a turfed field on 1.8 acres of the joint use area.

CITY MANAGER SUPPORTING INFORMATION:

Lewis Middle School is located in the Allied Gardens community at 5170 Greenbrier Road, within the boundaries of the San Diego Unified School District, bordered by Allied Gardens Community Park to the south. A local developer, Reza Shera, has agreed to donate soil and to install turf and irrigate a field, for which the City has expressed interest in joint use of the District property to meet recreational demand for the Allied Gardens community.

The existing joint use agreement for this site expires in two years. It does not include the field which the developer proposes to improve. Therefore, a new joint use agreement is proposed for a twenty-five year period. The proposed joint use agreement incorporates the concepts proposed in the memorandum of Understanding between the City and San Diego Unified School District, which is pending adoption by the School Board of Education and the City.

The developer has incurred additional costs to meet the needs of San Diego Unified School District for this site, and requested additional funds from the City of San Diego to complete the construction project.

FISCAL IMPACT:

Funds in the amount of \$59,000 are available from Fund 10529, Infrastructure Improvement Fund, from the Allied Gardens Community Park Job Order No. 009001; and in the amount of \$3,000 from Fund 10365, Park and Recreation Department Matching Funds for this purpose. The annual maintenance costs will be requested as a new facility during the FY04 budget process.

Herring/Oppenheim/AP

Aud. Cert. 2300629.

FILE LOCATION: SUBITEMS A & B: LEAS - Shera Crockett Inc., dba The Pacific Group - Lewis Middle School

COUNCIL ACTION: (Time duration: 11:07 a.m. - 11:07 a.m.)

MOTION BY MADAFFER TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: St. Stephens Senior Apartments.

Matter of approving, conditionally approving, modifying or denying a request to construct a 4-story, 50-unit low-income senior housing project in the CT-2 Zone of the Southeastern San Diego Planned District in the Encanto Neighborhoods Community Plan Area. The project is located at 5625 Imperial Avenue. The parcel is designated in the Community Plan for senior housing. Currently, there are 60 low-income rental senior units on the site.

(CUPAmendment/SDP/PDP/TM/Street Vacation/Easement Abandonments-PTS No. 3773. Southeastern San Diego - Encanto Neighborhoods Community Plan area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to grant the permits; and adopt the resolution in subitem B to grant the map, the two drainage easements, the sewer easement and the street vacation:

Subitem-A: (R-2003-) GRANTED PERMITS, ADOPTED AS RESOLUTION R-297500

Adoption of a Resolution granting or denying Planned Development Permit-8923/Conditional Use Permit-8930/Site Development Permit-8931, with appropriate findings to support Council action.

Subitem-B: (R-2003-756 Cor. Copy) GRANTED MAP, ADOPTED AS RESOLUTION R-297501

Adoption of a Resolution granting or denying a 2-parcel Tentative Map-8924, and pursuant to California Government Code section 66445(j), abandonment of two drainage easements, a sewer easement, and a street vacation for a portion of Gannett Street, located within the project boundaries as shown in Tentative Parcel Map No. 8924, shall be vacated, contingent upon the recordation of the approved parcel map for the project in accordance with the Subdivision Map Act Section 66445(j).

- a. Drainage easement in book 3054 page 478.
- b. Sewer easement granted in book 1338 page 276.
- c. Drainage easement per document number 1993-0382685.
- d. Portion of Street Reservation per document number 1994-0241633.

OTHER RECOMMENDATIONS:

Planning Commission on November 21, 2002, voted 6 - 0 to approve; no opposition.

Ayes: Lettieri, Brown, Garcia, Steele, Chase, Schultz

Not present: Anderson

The Encanto Neighborhoods Community Planning Group on June 17, 2002, voted 10:0:2 in support of this project.

SUPPORTING INFORMATION:

The request is to construct a 4-story, 50-unit low-income senior housing project in the CT-2 Zone of the Southeastern San Diego Planned District in the Encanto Neighborhoods Community Plan Area in Council District 4. St. Stephens Senior Apartments would be located at 5625 Imperial Avenue on an approximately 2.4-acres parcel at the south side of Imperial Avenue between Valencia Parkway and 55th Street. The land is owned by St. Stephen's Retirement Center, Inc. The parcel is designated in the Southeast Community Plan for senior housing. Currently, there are 60 low-income rental senior units on the site. The existing 60-unit complex was permitted by South East Development Permit (SEDP)/Conditional Use Permit (CUP) No. 90-0451. The addition of the proposed 50-units requires an amendment to CUP Permit No. 90-0451.

St. Stephens Senior Apartments would consist of 50 unfurnished one-bedroom apartment units with a 2,000 square foot multi-purpose room, offices and storage areas. The project proposes a landscaped interior courtyard and patio area with benches. Required parking provided at the southern perimeter of the property.

TRAFFIC IMPACT:

The project is expected to generate 200 daily trips, resulting in a small increase on the nearby freeways, Interstate 805 and State Route 94. These freeway segments currently operate at a level of service F. There are no transportation development planned in these segments by CalTrans. The project will widen Imperial Avenue to a four-lane major in accordance with the Street Design Manual Standards. The improvements will occur within the project's street frontage.

FISCAL IMPACT: None. All costs associated with this project are paid by the applicant.

Ewell/Christiansen/PXG

LEGAL DESCRIPTION:

The 2.44-acre project site is located at 5625 Imperial Avenue at the south side of Imperial Avenue between Valencia Parkway and 55th Street in the CT-2 Zone of the Southeastern San Diego Planned District in the Encanto Neighborhoods Community Plan Area and is more particularly described as being a portion of Lot 16 of Rancho Mission, Map No. 330.

NOTE: This activity is exempt from the National Environmental Protection Act (NEPA) per Section 58.34(a)(12) and from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15332, Infill Development Project.

FILE LOCATION: SUBITEMS A & B: LUP-St. Stephens Senior Apartments,
12/10/02 (65)

COUNCIL ACTION: (Time duration: 11:08 a.m. - 11:11 a.m.)

Testimony in opposition by Noel Neudeck.

MOTION BY LEWIS TO ADOPT THE RESOLUTION IN SUBITEM A TO GRANT THE PERMITS; AND ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE MAP. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Two actions related to Black Mountain Ranch Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) Fiscal Year 2003.

(See City Manager Report CMR-02-284; Public Facilities Financing Plan and FBA, Fiscal Year 2003, October 2002 Draft. Black Mountain Ranch Community Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-711) ADOPTED AS RESOLUTION R-297438

Approving the document entitled "Black Mountain Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003, October 2002."

Subitem-B: (R-2003-712) ADOPTED AS RESOLUTION R-297439

Resolution of Intention to designate an area of benefit in Black Mountain Ranch and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/27/2002, LU&H voted 5-0 to approve the City Manager's recommendation. Also, all interested stakeholders are to be included in the FBA process earlier. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

FILE LOCATION: SUBITEMS A & B: STRT-FB-19 (33)

COUNCIL ACTION: (Time duration: 11:01 a.m. - 11:07 a.m.)

Testimony in opposition by John Debevoise.

MOTION BY PETERS TO ADOPT WITH THE DIRECTIONS THAT STAFF MEET WITH ANN DEBEVOISE AND JOHN DEBEVOISE AFTER THEY REVIEW THE PLAN, AND THAT STAFF BE AVAILABLE TO ANSWER ANY QUESTIONS, AND TO ENSURE THAT ANN DEBEVOISE AND JOHN DEBEVOISE ARE ON THE NOTICE LIST FOR THE JANUARY 14, 2003 COUNCIL MEETING. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Two actions related to Scripps Miramar Ranch Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) Fiscal Year 2003.

(See City Manager Report 02-283; Public Facilities Financing Plan and FBA, Fiscal Year 2003, October 2002 Draft. Scripps Miramar Ranch Community Area. District-5.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-664) ADOPTED AS RESOLUTION R-297440

Approving the document entitled "Scripps Miramar Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003, October 2002."

Subitem-B: (R-2003-665) ADOPTED AS RESOLUTION R-297441

Resolution of Intention to designate an area of benefit in Scripps Miramar Ranch and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/27/2002, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein, and Frye voted yea.)

FILE LOCATION: SUBITEMS A & B: STRT-FB-11 (33)

COUNCIL ACTION: (Time duration: 10:59 a.m. - 10:59 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Issuance of Multifamily Revenue Bonds for Rancho del Norte Apartments.

(See San Diego Housing Commission Report dated 11/15/2002. Black Mountain Ranch Community Area. District-1.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-730) ADOPTED AS RESOLUTION R-297502

Approving the issuance of bonds by the Housing Authority of the City of San Diego for the Rancho del Norte Apartments, pursuant to Section 147(f) of the Internal Revenue Code of 1986.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:57 a.m. - 10:57 a.m.)

MOTION BY PETERS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-334: Navy Broadway Complex Development Agreement - Extension.

(See Centre City Development Corporation Report CCDC-02-10. Centre City Redevelopment Project. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2003-91) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 7, 2003

Introduction of an Ordinance approving the Second Amendment to the Agreement between the City of San Diego and the United States of America Adopting a Development Plan and Urban Design Guidelines for the Redevelopment of the Navy Broadway Complex.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 10:57 a.m. - 10:59 a.m.)

MOTION BY ZUCCHET TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Amending the San Diego Municipal Code Regarding Hotel Regulations.

CITY ATTORNEY'S RECOMMENDATION:

Introduction and adoption of the following emergency ordinance:

(O-2003-93) FAILED

Introduction and adoption of an Emergency Ordinance amending the San Diego Municipal Code by amending Chapter 11, Article 3, Division 1, Section 113.0103; by amending Chapter 12, Article 6, Division 5, Section 126.0502; by amending Chapter 14, Article 3, Division 5, by amending Sections 143.0510, 143.0515, 143.0520, and 143.0530; by amending Chapter 14, Article 3, Division 5, by adding and renumbering Sections 143.0550 and 143.0560 to Sections 143.0540 and 143.0550; and by amending Sections 143.0540 and 143.0550; by amending Chapter 14, Article 3, Division 5, by amending and renumbering Sections 143.0570, 143.0580 and 143.0590 to Sections 143.0560, 143.0570 and 143.0580, respectively; and by amending Chapter 14, Article 3, Division 5 by adding Section 143.0590, all relating to Hotel Regulations.

NOTE: 6 votes required pursuant to Section 17 of the City Charter.

SUPPORTING INFORMATION:

The City Attorney is recommending amendments to the existing Single Room Occupancy (SRO) Hotel Regulations to conform to requirements of State law.

Ewell/Devaney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:35 a.m.-10:43 a.m.; 6:31 p.m.-
8:20 p.m.)

Motion by Madaffer to continue this item for further review. Second by Inzunza.
Motion to continue withdrawn by Madaffer.

MOTION BY ATKINS TO INTRODUCE, DISPENSE WITH THE READING AND
ADOPT THE ORDINANCE. Second by Peters. Failed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-not present,
Frye-yea, Madaffer-nay, Inzunza-nay, Mayor Murphy-nay.

ITEM-S501: Three actions related to Transfer of Baggage Building and REA site (Santa Fe
Depot) to City and the City's Lease to Museum of Contemporary Art.

(See CCDC Report 02-08. Columbia Subarea of the Centre City Redevelopment
Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolutions in Subitems A and B and introduce the ordinance in
Subitem C:

Subitem-A: (R-2003-773) ADOPTED AS RESOLUTION R-297503

Certifying that the Council has reviewed and considered information contained in
the Master Environmental Impact Report for the Centre City Redevelopment
Project, the Subsequent Environmental Impact Report to the MEIR for the
Proposed Ballpark and Ancillary Development Projects, and associated plan
amendments, and the secondary study with respect to the Third Amendment to the
Development Agreement between the Council of the City of San Diego and
Catellus Development Corporation for the development of the Museum of
Contemporary Art/San Diego, Santa Fe Depot; and making certain findings and
determinations regarding Environmental Impacts of the Development.

Subitem-B: (R-2003-774) RETURNED TO THE CITY MANAGER

Approving Centre City/Coastal Development Permit No. 41-0560.

Subitem-C: (O-2003-98) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JANUARY 7, 2003

Introduction of an Ordinance approving the Third Amendment to Development Agreement between the City of San Diego and Catellus Development Corporation.

NOTE: See the Redevelopment Agency Agenda of 12/10/2002 for a companion item.

FILE LOCATION: SUBITEMS A & B: MEET; SUBITEM C: NONE

COUNCIL ACTION: (Time duration: 2:00 p.m. - 3:05 p.m.; 3:06 p.m.-
3:37 p.m.)

MOTION BY ZUCCHET TO ADOPT SUBITEM A; RETURN SUBITEM B, THE SCHEMATIC DRAWINGS, TO THE CITY MANAGER FOR FURTHER REVIEW AND RECOMMENDATION BY THE HISTORICAL RESOURCES BOARD AND RETURN TO COUNCIL IN 60 TO 90 DAYS; AND INTRODUCE THE ORDINANCE IN SUBITEM C. Second by Madaffer. Passed by the following vote: Peters-nay, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-nay.

ITEM-S502: Two actions related to Transfer Agreement and Lease - Museum of Contemporary Art.

(See City Manager Report CMR-02-294. Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-768) ADOPTED AS RESOLUTION R-297504

Authorizing the City Manager to execute a Transfer Agreement.

Subitem-B: (R-2003-764) ADOPTED AS RESOLUTION R-297505

Authorizing the City Manager to execute an approximate eighty-eight (88) year lease agreement with the Museum of Contemporary Art, San Diego, a California non-profit public benefit corporation, for cultural purposes as a Contemporary Art Museum, located at the Santa Fe Depot Baggage Building and REA site, San Diego, California, at an annual rent of \$1.00 per year.

NOTE: See the Redevelopment Agency Agenda of 12/10/2002 for a companion item.

FILE LOCATION: SUBITEMS A & B: LEAS-Museum of Contemporary Art

COUNCIL ACTION: (Time duration: 2:00 p.m. - 3:05 p.m.; 3:06 p.m. - 3:37 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-nay, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-nay.

ITEM-S503: In the Matter of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium between the City of San Diego and the San Diego Chargers (Agreement).

(Mission Valley Community Area. District-6.)

TODAY'S ACTION IS:

Discussion and consideration of the following matters:

Subitem-A: DISCUSSED WITH DIRECTION

A status report on the investigation into the impact of the settlement of the Walker v. City of San Diego litigation and the Attendance Guarantee provisions of the Agreement.

CITY MANAGER SUPPORTING INFORMATION:

Following the recent home game against the San Francisco 49ers, the Chargers sent an invoice to the City under the Attendance Guarantee provisions of the Agreement (Section 9(a)) which was characterized as including billings for seats removed as a result of modifications to the Stadium required by the settlement of the Walker litigation. City staff is investigating this matter and the validity of the billing, and will report to the City Council of the status of the investigation.

Subitem-B: DISCUSSED

A report to the Mayor and City Council regarding the Triggering Event provisions of the Agreement and other issues the Chargers wish to discuss with the City, and City Council direction regarding those matters.

CITY MANAGER SUPPORTING INFORMATION:

By memoranda dated December 2 and 3, 2002, from the Mayor and Council members Peters and Inzunza, the City Manager and City Attorney were requested to inquire of the Chargers and report back to the City Council on December 10, 2002, about the possibility of delaying the date on which the Chargers could exercise the team's rights under the renegotiation provisions set forth in section 31 of the Agreement, and any other issues the Chargers wish to raise with the City. The City Manager and City Attorney will be reporting to the City Council on the Chargers' reply to the Inquiry and issues the Chargers wish to raise. See memoranda to the City Manager and City Attorney from Mayor and Council members Peters and Inzunza dated December 2 and 3, 2002, and letter to Mayor from Mark Fabiani dated December 3, 2002.

FILE LOCATION: SUBITEMS A & B: MEET(64)

COUNCIL ACTION: (Time duration: 3:48 p.m. - 6:16 p.m.)

MOTION BY INZUNZA TO REFER SUBITEM A TO THE STADIUM ADVISORY BOARD FOR THEIR REVIEW AND EVALUATION WITH A RECOMMENDATION DUE BACK TO COUNCIL IN 90 DAYS. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY INZUNZA TO DIRECT THE CITY MANAGER ON SUBITEM B TO FORM A TEAM TO MEET WITH THE CHARGERS TO DETERMINE THEIR POSITION REGARDING ELIMINATION OR MODIFICATION OF THE ATTENDANCE GUARANTEE AND REPORT BACK TO COUNCIL IN JANUARY. Second by Peters. Failed by the following vote: Peters-yea; Zucchet-nay; Atkins-nay; Lewis-yea; Maienschein-nay; Frye-nay; Madaffer-nay; Inzunza-yea; Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 8:21 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 8:21 p.m.)